

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Melvin Lewis II, # 33779-034,)	Case No.: 1:23-cv-4176-JD-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Eliezer Ben-shmuel and Dennis M. Wong,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 14.) Plaintiff Melvin Lewis, II (“Plaintiff” or “Lewis”), proceeding *pro se*, alleges constitutional violations by Defendants Eliezer Ben-shmuel and Dennis M. Wong (collectively “Defendants”). (DE 1.)

On August 21, 2023, Plaintiff filed a “Motion for Order to Show Cause,” which has been liberally construed as a complaint. (DE 1.) In the filing, Plaintiff seeks “to be awarded for the property damage loss review administrative claim” he filed. (*Id.*) Plaintiff provides no factual detail as to the basis for his claim of property damage, such as a description of the damaged property, who is allegedly responsible for the damaged property, or the circumstances under which the property damage allegedly occurred, including when and where.

On September 20, 2023, the Court issued orders (1) directing Plaintiff to submit documents necessary to bring this case into proper form and (2) advising Plaintiff of the deficiencies of his

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).


complaint and permitting him until October 11, 2023, to file an amended complaint. (DE 10, 11.) Plaintiff has not filed a response.

The Report was issued on October 18, 2023, recommending Plaintiff's case be summarily dismissed. (DE 14.) Plaintiff has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Therefore, the Court adopts the Report (DE 14) and incorporates it herein by reference.

It is, therefore, **ORDERED** that Plaintiff's case is summarily dismissed without further leave to amend.

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Florence, South Carolina
December 28, 2023

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from this date, under Rules 3 and 4 of the Federal Rules of Appellate Procedure.